

1 Borja witnessed the cash and deposits, envelope and the
2 proceeds. Borja advised that Le was the individual who
3 planned the robbery and that he has told that many
4 people about it since it happened. The individuals
5 involved and Islam had drinks and talked about it at
6 Johnny's Bar. Borja stated that Le wanted to use
7 Roland's last name unknown, changed plan to Borja at
8 the last minute, City Trust Bank was selected as it was
9 not federal and had no cameras. Borja thought that
10 Roland was at the beach during the robbery. Roland was
11 familiar with City Trust since he used to deposit money
12 there.

13 Q All right, and if we could just turn to, as you
14 understand it, this was all an oral statement that was
15 taken down by Agent Procopio and later reduced to this
16 memorandum, correct?

17 A That's correct.

18 Q Did he then sign a statement, which is at the bottom of
19 this page, that he wrote himself and as best as you
20 can, if you could just read that for us?

21 A I, Lionel Borja, helped rob City Trust Bank, I witness
22 some of the robbery here in the CNMI. I was scared for
23 the--

24 Q That's all crossed out. Just pick up with the I never
25 knew.

1 A I never knew how the beach boys act, but now I do know
2 because I became just like them. I do apologize for
3 the crime that I committed and I would face the
4 consequences. I'll be willing this time to help the
5 CNMI rather than to go against it. 12/21/02.

6 Q And, there's a signature, but you were not there to
7 witness it?

8 A That's correct.

9 Q All right, now after -- ah well, he also described,
10 attached a map or drawing, what is this a map or
11 drawing of?

12 A Ah it's a map of the shooting gallery own by Vann Le.

13 Q And as you understand it, had Lionel Borja also given
14 information about a potential murder, the murder you
15 have under investigation as the person who took the
16 \$60,000.00?

17 A That's correct.

18 Q And, what has Lionel Borja stated about who did the
19 murder and where it took place?

20 A Lionel informed us that, ah Vann Le shot the Japanese
21 individual in the shooting gallery by the wall using a
22 .410 shotgun.

23 Q And, in Jason Ruluket's false statement, was the murder
24 of a Japanese person something that he had falsely said
25 that he had done himself?

1 A That's correct.

2 Q Or participated in?

3 A That's correct.

4 Q And, in a nut shell, was Jason Ruluket's false story
5 that he was asked to accompany Vann Le and Lionel Borja
6 on a boat, that the boat went out 8 miles beyond
7 Managaha, the Japanese was then shot and dumped over
8 board?

9 A That's correct.

10 Q And, have you since learned that he knows about that
11 from just hearing others talk about the murder of a
12 Japanese, but that he did not have anything to do with
13 it?

14 A That's correct.

15 Q Now, after Lionel Borja came in and gave that
16 statement, did Jason Ruluket remain in custody on the
17 bank robbery charge while you try to sort this out?

18 A That's correct.

19 Q And, did Lionel Borja agree to attempt to assist the
20 Government in, ah preliminary at least attempt to
21 assist the Government in gathering additional
22 information?

23 A Yes, he did.

24 Q And, just describe for us some of the things that
25 Lionel Borja has sought to do to further the

1 investigation?

2 A He tried to make contact with Vann Le in Japan which
3 was all negative.

4 Q When you say negative, they weren't able to get Vann Le
5 on the phone?

6 A We were not -- he wasn't able to get a hold of Vann Le
7 in Japan.

8 Q Just in terms of current available information, where
9 is Vann Le?

10 A He -- he is in Japan.

11 Q And, as you understand it, did Vann Le leave for Japan
12 after he learned that Robert Fanway had been arrested
13 for possessing a gun?

14 A He had left prior to Fanway being arrested for the gun.

15 Q So, I think I misspoke, he changed his plans to come
16 back after he had learned that Robert Fanway had been
17 arrested?

18 A That's correct.

19 Q Did DPS conduct a search warrant in connection with the
20 Robert Fanway arrest sometime close thereto?

21 A Yes.

22 Q What happened?

23 A DPS executed a search warrant in the apartment and the
24 house of Vann Le and several guns were recovered in the
25 search warrant.

1 Q Do you know what kind of guns were recovered?

2 A One was a Barretta .9 millimeter handgun, the other one
3 was, I do believe a submachine gun, ah several other
4 rifles was also recovered.

5 Q Now, has Yuki Le, Vann Le's wife been interviewed about
6 what she knows or what Vann Le may have told her about
7 the bank robbery?

8 A Yes.

9 Q And, who interviewed her?

10 A Jesse Dubrall.

11 Q And, what was the results of that interview?

12 A Jesse Dubrall informed me that, ah Yuki told Jesse that
13 Vann Le had told her that he was involved in the bank
14 robbery.

15 MR. SMITH: All right, what I'd -- does anybody want to
16 take a brief break? What I'd like to do now is excused Lt.
17 Manalili to be recalled later and start calling some of
18 these other witnesses we have subpoenaed. If you want, I'll
19 just go right into that or we can take a short break,
20 whatever you like.

21 FOREPERSON: Do you want a short break? Now?

22 MR. SMITH: Okay, let's just take a five minutes cause
23 this is a pretty full day, so I'd like to keep on schedule
24 if we could, okay? So, about 21, 22 after, we'll get
25 started again.

1 OFF/ON RECORD - Tape 3.

2 FOREPERSON: You may be seated, Lieutenant.

3 MR. SMITH: Okay.

4 FOREPERSON: You've been sworn in earlier, so you don't
5 have to be sworn in at this time.

6 Q Just very briefly, you see the allegations up there on
7 proposed indictment Grand Jury Exhibit 3? From your
8 investigation, have you learned that in fact the City
9 Trust Bank was licensed by the Commonwealth of the
10 Northern Mariana Islands?

11 A Yes.

12 Q And, that it maintained its branch, a branch over in
13 Gualo Rai?

14 A That's correct.

15 Q And, that it conducted business and engaged in
16 financial transactions in interstate and foreign
17 commerce??

18 A That's correct.

19 Q And, have you driven by and seen the sign outside the
20 bank that says does money wires, for example, back and
21 forth to China?

22 A That's correct.

23 Q Okay, just very briefly, Lt. Manalili, you were present
24 on January 10th, 2003, when Jason Ruluket was
25 reinterviewed in connection with this case?

1 A That's correct.

2 Q And, he had a lawyer present at that time, Loren
3 Sutton?

4 A Yes, that's correct.

5 Q Okay, just so we're clear, in that interview, did Jason
6 Ruluket say that some time prior to November 26th that
7 he met with Norman Kapileo at Johnny's Bar and Grill
8 and Norman Kapileo had made this request of him?

9 A That's correct.

10 Q What was the request?

11 A That he confessed to the bank robbery.

12 Q Had Norman Kapileo also talked about another poker
13 robbery in which Norman Kapileo had discharged a weapon
14 and injured one of the workers in the poker place?

15 A That's correct.

16 Q And, is that something else that Norman Kapileo asked
17 Jason Ruluket to confess to?

18 A Yes, that's correct.

19 Q And, in this conversation, did Norman Kapileo also tell
20 Jason that Lionel Borja was the person who went into
21 the bank with him?

22 A That's correct.

23 Q But also so we're clear, Norman Kapileo didn't tell
24 Jason Ruluket one way or the other whether Vann Le was
25 outside the bank, is that right?

1 A That's correct.

2 Q And, what Jason Ruluket did know was that the gun for
3 the robbery had come from Vann Le, that was something
4 he learned?

5 A Yes.

6 Q Now, in that conversation at, ah later in November, not
7 at Johnny's Bar, but later in November, had Norman
8 Kapileo told Jason Ruluket something about a shooting
9 of a Japanese male?

10 A Yes, that's correct.

11 Q What had Jason Ruluket been told by Norman Kapileo
12 about that?

13 A That, ah Vann Le had shot and killed a Japanese
14 individual and that they took the body out on a boat
15 and dumped it out, ah he acknowledged ah, out at the
16 reef area.

17 Q Okay, and according to Jason Ruluket, had Norman
18 Kapileo told him that it was he, Norman Kapileo, Vann
19 Le who did the shooting as well as Lionel Borja was
20 also present on the boat?

21 A That's correct.

22 Q And, that's what Jason Ruluket learned from Norman
23 Kapileo?

24 A That's correct.

25 Q And, did that lead Jason Ruluket then to falsely

1 implicate himself as being on the boat when this
2 Japanese male was killed?

3 A Yes.

4 MR. SMITH: All right, that's all the additional
5 questions I have for Lt. Manalili and I'd ask that he be
6 excused.

7 OFF/ON RECORD

8 FOREPERSON: Okay, we're on the record again, we're
9 back from jury deliberation and the Assistant U.S. Attorney
10 is recalling Detective, Lt. Ed Manalili to further answer
11 some questions.

12 Q Okay, a few additional questions, Lt. Manalili. Our
13 first issue is about what happened with the
14 fingerprint, forensic analysis from the palm print and
15 other potential prints that were obtained during the
16 crime scene investigation. Explain for us, if you
17 would, what's been done to determine whether that palm
18 print matches anyone who participated in the robbery?

19 A The palm print has been sent to the FBI Lab, we are
20 right now waiting on the lab results.

21 Q Was there some delay in the FBI lab's ability to
22 analyze that print for the FBI Office here on Saipan?

23 A Yes, the FBI lab just recently moved from Washington
24 D.C. Headquarters down to the FBI Quantico Academy.

25 Q Okay, and was there also some back log as a result of

1 some intensive fingerprint work in connection with that
2 sniper shooting investigation?

3 A Yes, ah that's correct.

4 Q Now, you told us earlier that DPS, neither DPS nor the
5 FBI sent in the prints until they had suspects, solid
6 suspects, in the bank robbery, is that right?

7 A That's correct.

8 Q So, did you wait then until you had solid suspects, in
9 other words after the results around the time of the
10 Jason Ruluket interview, is that when the prints were
11 sent in?

12 A That's correct.

13 Q Okay, and what names -- withdrawn. So just based upon,
14 and you can see upon the screen there which I think is
15 Grand Jury No. 2, the Borja statement, you can see
16 where Borja is the one who admitted that he jumped over
17 the counter?

18 A That's correct.

19 Q So, do you expect that the result of the analysis from
20 the FBI lab will be either that that's Borja's hand
21 print on the counter? Or that that's some palm print
22 of someone who just happened to be at the bank?

23 A That's correct.

24 Q A question also came up about the statement that Yuki
25 Le made? In which, as you related, she told Jesse

1 Dubrall, Detective Dubrall, that her husband Vann Le
2 had said he was involved in the robbery and sent two
3 local guys in to do the robbery?

4 A That's correct.

5 Q Okay, was that interview reduced to writing?

6 A Yes.

7 Q And just tell us about that.

8 A Jesse Dubrall indicated to me that he interviewed Yuki
9 and Yuki provided the information and that he did do a
10 report.

11 Q That he did do a report?

12 A Yes.

13 Q But you do not presently have a copy of the report, is
14 that correct?

15 A That's correct.

16 Q And as you understand it, is that a report of interview
17 where the officer writes down what he heard and types
18 it up later, puts it in the file as oppose to a signed
19 statement of the witness?

20 A That's correct.

21 Q So, it's a written report and not a signed statement?

22 A That's correct.

23 Q Okay, now there was a question about the vehicle that
24 was used to leave the scene of the robbery on April
25 12th, 2002, and you'll recall from your prior testimony

1 that originally they went up in a blue Volkswagen,
2 according to the Borja's statement, so the officer from
3 SIS then left, and it says they then borrowed Glenn
4 LNU's white SUV and returned to the bank. Can you tell
5 us, Lt. Manalili, were there any other eye witnesses to
6 a white SUV leaving the scene?

7 A Yes, there was.

8 Q Okay, I'm gonna give you what's marked as Grand Jury
9 Exhibit No. 4 for identification, could you tell us
10 what that is?

11 A This is a report that was prepared by Linda Mayberry of
12 ah, Victoria Visary Peron (ph.).

13 Q Okay. Victoria Peron?

14 A That's correct.

15 Q And, just tell us according to that report what did she
16 see as told to the FBI at about the time of the bank
17 robbery?

18 A Peron stated that she had arrived at the factory to buy
19 garment products at approximately 1:00 p.m. She was
20 looking out the building and that's when she saw a
21 white vehicle drive past the parking area of the
22 garment building and stopped. Immediately thereafter,
23 the vehicle backed out of the parking area. Peron
24 described the vehicle similar to a white Department of
25 Public Safety Police Jeep Cherokee, although with no

1 lights or markings and of older style.

2 Q Have you conducted any other investigation into what
3 this fellow Glenn's white SUV looks like?

4 A Yes.

5 Q Can you describe it for us, please?

6 A Jesse Dubrall went and met with Glenn and discovered
7 that he owns older model Toyota Land Cruiser.

8 Q What color was it?

9 A White.

10 Q Now, a question also came up about what happened to the
11 gun, the bullet rather that was obtained from the
12 office divider in the bank that was fired during the
13 robbery? Can you tell us about that, please?

14 A The bullet was turned over to ATF who in turn sent it
15 to the GPD lab, Guam Police Department lab, to be
16 analyzed.

17 Q And, when you say ATF, are you referring to the Federal
18 Bureau of Alcohol, Tobacco & Firearms?

19 A That's correct.

20 Q And, where is the bullet today?

21 A It's down at the Guam Police Department Lab.

22 Q Have they been able to conduct any analysis on that
23 bullet?

24 A Yes.

25 Q And are you familiar with the results of that analysis?

1 A Yes.

2 Q Can you tell us about that, please?

3 A According to the information that I received, it came
4 from a .25 caliber handgun.

5 Q Handgun. Okay, and from what you've learned in the
6 investigation, is that consistent with gun that was
7 used in the robbery?

8 A That's correct.

9 Q Now, we learned a little earlier from you and others
10 about the guns that were recovered in the search of
11 Vann Le's apartment? Was the .25 caliber handgun
12 recovered in that search?

13 A No, it wasn't.

14 Q Do you have any information at all as to what happened
15 to the gun that was used in the robbery?

16 A No.

17 Q Nothing at all? No source information or anything
18 about whether the gun was disposed of or not?

19 A No.

20 Q Okay, and if there's no gun to analyze, can ballistics,
21 expert ballistics analysts match a bullet to a gun that
22 they don't have?

23 A No, they can't.

24 Q So, more or less limited to the type of gun that fired?

25 A That's correct.

1 MR. SMITH: Any other questions for Lt. Manalili?
2 Actually, I have one additional question while we're back in
3 here. In the course of working with Lionel Borja and
4 attempting to make tapes, did he give you any information
5 about what someone who worked in the bank did following the
6 bank robbery?
7 A Yes.
8 Q What did he tell you?
9 A Lionel informed me that, ah one of the tellers might
10 have recognized or might have been familiar with one of
11 the individuals that had come into the bank during the
12 robbery, ah had approached a family member and had
13 inquired or told the person that she might have
14 recognized one of the persons that robbed the bank.
15 Q So, one of the employees in the bank went up to
16 somebody in Lionel Borja's family and said that she may
17 have recognized someone in the bank, did she name any
18 names?
19 A No, she didn't.
20 Q Okay, and have you been able -- have you been following
21 up on that and trying to figure out who that was?
22 A That's correct.
23 Q And have you had any success to date in figuring out
24 who it was at the bank who might have recognized
25 someone in the robbery?

1 A No, I haven't.

2 MR. SMITH: Okay. Any other questions? Okay, so
3 again, I'd ask that Lt. Manalili be excused subject to
4 recall if there's additional questions.

5 FOREPERSON: All right, thank you very much,
6 Lieutenant. You're excused.

7 OFF/ON RECORD - Tape 3, Side B.

8 Q Okay. Good afternoon, Lt. Manalili, just a few brief
9 questions, on December 27th, 2002, did you attend a
10 meeting at the U.S. Attorney's Office?

11 A Yes, I did.

12 Q And, was the purpose of the meeting to re-interview
13 Jason Ruluket in light of what you learned from Lionel
14 Borja as a result of the December 21st interview of
15 him?

16 A That's correct.

17 Q And, was it the purpose of the interview to see if
18 Jason Ruluket would continue to persist in what had, by
19 then, been revealed as a false story about his own
20 participation in the City Trust Bank robbery?

21 A That is correct.

22 Q And, were specific questions again put to Jason Ruluket
23 in that meeting on December 27th?

24 A Yes.

25 Q And, what happened in response to those questions, did

1 he continue to claim that he had acted in the robbery?

2 A Yes, he did.

3 Q And, for example, was it specifically put to him that
4 the Government knew it wasn't him who had jumped over
5 the counter, do you recall that?

6 A That's correct.

7 Q And, do you recall that in response to that Jason
8 Ruluket claimed that no one had jumped over any counter
9 in the bank, do you recall that?

10 A That's correct.

11 Q And, did he, again -- withdrawn. And, do you recall
12 that in that meeting on December 27th, 2002, Jason
13 Ruluket denied that Norman Kapileo had had any role or
14 participation in that robbery?

15 A That is correct.

16 Q Now, just referring you back, do you recall that Jason
17 Ruluket was arrested on a complaint sworn to before a
18 United States District Judge here and that it happened
19 on December 20th?

20 A Yes, that is correct.

21 Q Okay, and that case was numbered United States versus
22 Jason Ruluket, 02-00029 in the District of the Northern
23 Mariana Islands?

24 A Yes, that is correct.

25 Q Okay, and again, just ah, you've already testified to

1 this, this morning, but briefly you then again had a
2 meeting on January 10th, 2003, in which Jason Ruluket
3 then admitted that the whole story regarding the
4 robbery, his participation in it, had been made up, is
5 that correct?

6 A Yes.

7 MR. SMITH: Okay, any other further questions for Lt.
8 Manalili about how this played and that the meeting took
9 place on December 27th, 2002? Okay, then I'd ask that Lt.
10 Manalili be excused.

11 ***END OF TESTIMONY***

12

13

C E R T I F I C A T I O N

14

15

I, Celina A. Concepcion, of Judicial Service, Plus,
hereby certify:

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20

That the foregoing is a true and correct transcript of
the electronic sound recording of the proceedings in the
foregoing matter transcribed under my direction and
thereafter verified by me to the best of my knowledge and
ability.

21

22

Dated at Saipan, CNMI, this 31st day of March, 2003.

23

24

25

Celina A. Concepcion